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SCHWEGMAN, LUNDBERG & WOESSNER/EBAY
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EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

NOTIFICATION DATE	DELIVERY MODE
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03/05/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/905,525	Applicant(s) BOONE ET AL.	
	Examiner Robert M. Pond	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/24/09; 12/08/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 41-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 41-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/08/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

All pending claims 1-25 and 41-53 were examined in this non-final office action necessitated by new grounds of rejection.

Response to Arguments

Applicant's arguments, see Remarks, filed 24 November 2008, with respect to the rejection(s) of claim(s) 1-25 and 41-52 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nemzow, Lassila and eBay. Arguments relying on eBay as the primary reference in view of Suzuki and Bidnbuy are moot.

The Examiner is suggesting Applicants consider scheduling a telephone interview for further discussion.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 1. Claims 25 and 52 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Regarding claim 25, Applicants are claiming a system (apparatus) yet lack apparatus structural specificity for claimed functionality. A single statutory class of subject matter has not been properly claimed. Correction is required.

Regarding claim 52, Applicants are claiming modules defined as software lacking a tangible embodiment containing instructions necessary to cause a computer to execute the claimed processes. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2. Claims 25 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claim 25, Applicants are claiming a system (apparatus) yet lack apparatus structural specificity for claimed functionality. Correction is required to correct statutory class ambiguity. Examination was base on the assumption Applicants are claiming a system whereby a computer or server is providing structure necessary to perform the claimed functionality.

Regarding claim 52, Applicants are claiming modules defined as software. For examination purposes it is assumed the software is stored in computer-

readable medium containing instructions necessary to cause a computer or server to execute the claimed processes. Correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

- 3. Claims 1-3, 6-10, 12, 14-22, 24, 25, 46-48 and 53 are rejected under 35 USC 103(a) as being unpatentable over Nemzow (US 2001/0011241, now US Patent 6,721,715) in view of Lassila (PTO-892, Item U) further in view of eBay (Paper #20070530, Item U).**

Nemzow teaches: A new aspect of international commerce has emerged in the form of the Internet. A problem in Web-based commerce is that online catalogs display pricing information in the local currency of the business hosting the online catalog regardless of scope, customer reach, or target market of the offered products. Global commerce, however, is not specific to language or currency, and there is a need for a method for translating currencies from a base currency of a hosting business to a currency useful for potential customers using a Web site. An accurate and reliable means for translating between currencies would also be useful to potential customers reading printed publications, or otherwise involved in international trade. See at least abstract; 0010.

Conversion of the value alone from one currency to another is insufficient for complete solution to the problems of currency conversion. Currencies are not displayed the same way in every country and customers expect that a currency format is localized with the prevailing accepted syntactical standard. It would be very useful, for example, for a Web user accessing a page originating in another country to see prices in the Web user's own currency, displayed in the locally accepted format. The display of currency formats in the expected format in a remote location is complex and not handled by existing systems and methods at the current time. Standard techniques for numerical formatting are insufficient because the currency value is not merely formatted, but also might contain prefixes, suffixes, unusual symbols, and sub- and superscripting. See at least 0011.

The system is a currency translation system that provides for the dynamic translation of a first currency value into a target currency value for the purpose of aiding localization and globalization of financial transactions. The system may be used as a standalone translation system or it may be embedded in a larger application such as a financial analysis program or a Web commerce program. The system takes as input the starting currency, a target currency, and transaction rules. The system maintains a database of currency rates, currency histories, conversion rules and currency representation data. Optimization and backtracking techniques are used to deal with partial rate information and in order to find optimal valuations involving a triangulation of currency translations.

Art Unit: 3625

The system can produce a single result or a matrix of results from which the user can choose an optimal valuation. The system also provides for the formatting of a numerical currency value into a presentation specific to the locale of the translation request. See at least 0032.

The currency translation system will facilitate local business to realize international commerce opportunities. The results for customers in the market will be acceptable and familiar rather than "foreign." This is an important aspect in creating the essence of localization and internationalization for doing business in far-off locations. The invention will expose business and software developers to a focused set of tools that facilitate global commerce without the complexities of local banking systems, brokerage quoting systems, and the general lack of currency information and services at the present time. The most immediate ramification will be the inclusion of these capabilities within online, Internet, and other electronic commerce systems, such as EDI (electronic data interchange), ACH (automated clearing house), electronic web-based storefronts, and web-based advertising. This process and method will simplify complex multiple currency and financial transaction processing operations. See at least 0036.

The inputs could be from a human user, inputs from a computer program, or a text-based document such as a page from a Web-based catalogue. If the input is from a text-based document, a filtering process, such as any one of a number known in prior art, identifies the currency inputs in the document. See at least 0048.

Nemzow further teaches:

- Regarding claim 1. and communicating the category list to the user, the category list including offering categories including a first offering available for sale via the network-based commerce facility in a location including a particular region, the first offering including a listing currency and a native currency that is associated with the particular region. Catalogues (note: category list). Currency converter translates the original currency value (note interpretation: listing currency value of the local hosting website or seller) according to inputs and stored conversion rules, into a value for an objective currency, or target currency. The currency converter system then provides an output in a format as required by the user, whether the user is a person or a process. See at least abstract; 0010; 0043. The system includes support for translation from a single original currency to plural objective currencies, either as a single original to a single objective, a single original to plural objectives, plural originals to one-for-one plural objectives, plural originals to plural objectives. In other words, one basis can generate a specific target or a list of targets in different currencies, or multiple sources can generate a one-for-one translation or a complex collection of lists. See at least 0033. See below for the second plurality of offerings.
- Regarding claim 1, generating a map file. Nemzow teaches all the above as noted under the 103(a) rejection and teaches i) dynamically presenting

a plurality of target currencies from a listing currency within the context of online catalogs for electronic commerce offerings and ii) mapping data structures (see at least Fig. 1). Although Nemzow omits discussion pertaining to metadata and mapping techniques for electronic documents searching, Lassila teaches more precise means of describing documents are needed. Information such as author, publication dates, and so forth is often called metadata. Metadata is commonly defined as data (i.e. first data) about data (i.e. second data). For example, a library catalog is metadata because it describes publications, or library data. Similarly, a file system maintains access control information about files; this information can also be seen as metadata. To maintain a library catalog you may also need an application that treats the catalog itself as data. Hence, one applications metadata is another applications data. Metadata can describe the contents of an individual Web resource, such as a page, an image, or the content of a collection Web site, directory, and so forth. Metadata can also describe the relationships between members of a collection (for example, book, chapter, or table of contents). Note interpretation: evidence of mapping technique. Descriptions of typically complex collections, especially those of Web sites, are sometimes referred to as site maps. Search engines could take advantage of metadata, such as that used in cataloging, to perform more accurate searches. With the need for manual weeding of search results eliminated, we could better automate

Art Unit: 3625

the search process. This also suggests that intelligent software agents could use metadata to exchange and share knowledge (agent to agent), to communicate (agent to service or agent to user), and to understand their environment (that is, to do resource discovery on their own). Metadata can encode information needed for electronic commerce. For example, with metadata we can locate a seller or buyer. We can find a product by searching the yellow pages, and we can agree on terms of sale (metadata can represent prices, terms of payment, and other contractual information). One of ordinary skill in the art at time the invention was made would have recognized that applying the known techniques of Lassila's use of metadata as a summary of a first plurality of offerings to improve searching of the metadata's content (i.e. a second plurality of offerings) and use of mapping would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the techniques of Lassila to the teachings of Nemzow would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

- Regarding claim 1. Nemzow and Lassila teach and suggest all the above as noted under the 103(a) rejection and teach and suggest i) receiving

Art Unit: 3625

user input manually or from an application process and determining actions necessary to dynamically present currency translations and ii) the needs for improvement in web commerce applications implementing catalogs to display a user native currencies (different from provider's listing currency). Although Nemzow and Lassila omit determining a site that the user accesses, the site being one of multiple sites operated by a network-based commerce facility, eBay teaches a main web site containing directed links to region-specific auction web sites that include offerings. The main web page displays on via a web browser an active link to theCanada site, UK site, and Germany site (eBay: Paper #20070530, U: page1, "UK Link") (i.e. pre-defined multiple regional sites). Clicking the UK link results in the UK main web page being displayed (please note: a site that a user accesses was determined; receiving a request from the user) (eBay: Paper #20070530, U: see page 8). One of ordinary skill in the art at time the invention was made would have recognized that applying the known techniques of eBay determining a web site selected from among a multiple web sites would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the techniques of eBay to the teachings of Nemzow and Lassila would have resulted in determining from the user input and application input the target currency (i.e. native currency) and would have yielded predictable results because the level of ordinary skill in the art

Art Unit: 3625

demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

Nemzow, Lassila and eBay teach and suggest:

- Regarding claim 1. retrieving a category list available for the site and retrieving the second plurality of records from the map file, the second plurality of records associated with the second plurality of offerings, the retrieving responsive to receiving the request, the category list identifying categories of the second plurality of offerings available via the site that the user accesses; the accessed UK site displays a category list and allows the user to search the UK site for items available in the UK or items located in the UK (eBay: Paper #20070530, U: see page 8),
- Regarding claims 2 and 3: markup document displayed via user interface. eBay.
- Regarding claim 6. displaying in a particular order. displays categories in alphabetical order (eBay: Paper #20070530, U: at least pages 1, 8, 9).
- Regarding claim 8. offering listing characteristics, Ending Today New Today, Completed” (eBay: Paper #20070530, U: page 15); current auction price (eBay: Paper #20070530, U: at least page 15).

Art Unit: 3625

- Regarding claim 10. shipping region. Inherent in eBay are computing structures necessary to permit offering listing characteristics that include a shipping region offering. For example, the UK web page allows a user to search for items located in UK and to search for items available in UK (please note: seller listing characteristic indicate shipping regions) (eBay: Paper #20070530, U: see pages 4 and 8).
- Regarding claim 7, 9, 12, 14-22, 24, 25 and 53. Rejections are based on the teachings and rationale as noted above.
- Regarding claims 46-48. second plurality of offerings in a pre-defined language and predefined currency and includes the UK. eBay: Paper #20070530, U: see at least pages 10-16.

4. Claims 4 and 52 are rejected under 35 USC 103(a) as being unpatentable over Nemzow (US 2001/0011241, now US Patent 6,721,715), Lassila (PTO-892, Item U) and eBay (Paper #20070530, Item U) as applied to claim 1, further in view of Applicants' Admission (regarding parsing of universal resource locators).

Nemzow, Lassila and eBay teach and suggest all the above as noted under the 103(a) rejection and further teach and suggest universal resource locators (URLs) being used by the web browser to access web pages served by the eBay web site. Although Nemzow, Lassila and eBay do not mention parsing URLs, Applicants' Admissions on the other hand provides a tutorial on how URLs are

Art Unit: 3625

parsed. One of ordinary skill in the art at time the invention was made would have recognized that applying the known techniques of Applicants' Admissions of parsing URLs would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the techniques of Applicants' Admissions to the teachings of Nemzow, Lassila and eBay would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

5. Claims 11 and 23 are rejected under 35 USC 103(a) as being unpatentable over Nemzow (US 2001/0011241, now US Patent 6,721,715), Lassila (PTO-892, Item U) and eBay (Paper #20070530, Item U) as applied to claims 1, 8 and 20, further in view of McClenahen (Paper #20070530, PTO-892, Item: V)

Nemzow, Lassila and eBay teach and suggest all the above as noted under the 103(a) rejection and teach and suggest i) a user accessing region-specific sites via a main web page (e.g. US region-specific sites, Canada, UK, and Germany region-specific sites), ii) a user within the UK region-specific site, displaying in English to the user items for auction located in the UK, iii) within the Canada region-specific site, display in English to the user items for auction located in Canada and further teach and suggest Japanese visitors using the site. Although Nemzow, Lassila and eBay do not mention the offering listing

Art Unit: 3625

characteristics including a listing language of the offering, McClenahen on the other hand teaches e-commerce as being revolutionary and evolutionary and mentions eBay's web site garnering a huge numbers of hits (Paper #20070530, V: see pages 1 and 2). McClenahen further teaches relatively easy access to PCs, relatively high levels of disposable income, and predominantly English-language content are three reasons e-commerce, especially business to-consumer e-commerce, is mainly a North American phenomenon now, says Andersen's Johnson. In some of the world's other significant economies-such places as France, Germany, and Japan- language is holding back e-commerce growth. Nevertheless, "it will evolve, and it will evolve following a pattern of first [having] access and second [having] content that is useful," says Johnson. One of ordinary skill in the art at time the invention was made would have recognized that applying the known techniques of McClenahen of listing in the local language would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the techniques of McClenahen to the teachings of Nemzow, Lassila and eBay would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

6. Claims 13 is rejected under 35 USC 103(a) as being unpatentable over Nemzow (US 2001/0011241, now US Patent 6,721,715), Lassila (PTO-892, Item U) and eBay (Paper #20070530, Item U) as applied to claim 7, further in view of Pollick (Paper #20041209, PTO-892, Item: VV).

Nemzow, Lassila and eBay teach and suggest all the above as noted under the 103(a) rejection and teach and suggest transacting auctions globally via the eBay sites, but do not mention fixed price transactions. Pollick on the other hand teaches eBay and Amazon auction sites, and further teaches Zshops, a fixed-price alternative to auctions being implemented by Amazon as a customer service (Paper #20041209, VV: see at least page 5). One of ordinary skill in the art at time the invention was made would have recognized that applying the known techniques of Pollick offering products at a fixed price would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the techniques of Pollick to the teachings of Nemzow, Lassila and eBay would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

7. Claims 41-45 and 49 are rejected under 35 USC 103(a) as being unpatentable over Nemzow (US 2001/0011241, now US Patent 6,721,715),

Lassila (PTO-892, Item U) and eBay (Paper #20070530, Item U) as applied to claim 1.

Nemzow, Lassila and eBay teach and suggest all the above as noted under the 103(a) rejection and teach and suggest i) a first plurality of records (note: item listings) and second plurality of records related to the first based on location, the records displaying a list currency, the records accessible via an icon for alternative views (eBay), ii) metadata mapping and iii) listing in records in a defined currency associated with the regional site. It would have been obvious to try, by one of ordinary skill in the art at time the invention was made, to replicate the first-second record relationship with a second-third record relationship and incorporate it into the system of Nemzow, Lassila and eBay since there are a finite number of identified, predictable potential solutions to the recognized need and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

- 8. Claims 50 and 51 are rejected under 35 USC 103(a) as being unpatentable over Nemzow (US 2001/0011241, now US Patent 6,721,715), Lassila (PTO-892, Item U) and eBay (Paper #20070530, Item U) as applied to claims 1 and 49, further in view of Falulkner (US 6,389,427).**

Nemzow, Lassila and eBay teach and suggest all the above as noted under the 103(a) rejection and teach and suggest i) generating a map file and ii) a first

Art Unit: 3625

plurality of records (note: item listings) and second plurality of records related to the first based on location, the records displaying a list currency, the records accessible via an icon for alternative views (eBay) and iii) a third plurality of records and iv) listing in records in a defined currency associated with the regional site. Although Nemzow, Lassila and eBay do not mention generating the map file is repeatedly performed on a period of time based on storing the third plurality of records, Faulkner on the other hand teaches a system and method of enhancing file system performance and creating or re-creating a map file based on periodic time intervals and specific dates and times. Faulkner further teaches automatically re-creating the map file each time the application starts (note interpretation: frequency of application starts). See at least abstract; col. 23, lines 14-24; col. 27-31. One of ordinary skill in the art at time the invention was made would have recognized that applying the known techniques of Faulkner of map file creation/re-creation would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the techniques of Faulkner to the teachings of Nemzow, Lassila and eBay would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

Nemzow, Lassila and eBay teach and suggest all the above as noted under the 103(a) rejection and teach and suggest i) generating a map file and ii) a first

Art Unit: 3625

plurality of records (note: item listings) and second plurality of records related to the first based on location, the records displaying a list currency, the records accessible via an icon for alternative views (eBay) and iii) a third plurality of records and iv) listing in records in a defined currency associated with the regional site. Although Nemzow, Lassila and eBay do not mention the map file includes an index to the second plurality of records, Faulkner on the other hand teaches a system and method of enhancing file system performance and creating or re-creating a map file. Faulkner further teaches automatically creating and maintaining a high-performance index of monitored directories or files. See at least col. 2, lines 45-52. One of ordinary skill in the art at time the invention was made would have recognized that applying the known techniques of Faulkner creating and maintaining a high-performance index of directories or files would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the techniques of Faulkner to the teachings of Nemzow, Lassila and eBay of a second plurality of records would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M. Pond/
Primary Examiner, Art Unit 3625
March 1, 2009